

AMENDED IN ASSEMBLY JUNE 22, 2006

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE MAY 2, 2006

AMENDED IN SENATE APRIL 4, 2006

**SENATE BILL**

**No. 1764**

---

**Introduced by Senator Runner**  
**(Coauthor: Senator Alquist)**

February 24, 2006

---

An act to *amend Sections 42238.5, 48000, and 48010 of, and to add Sections 42238.20 and 48012 to, the Education Code*, relating to pupil admission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1764, as amended, Runner. Kindergarten: age of admission.

(1) Existing law requires a child to be admitted to kindergarten at the beginning of a school year, or at any time later in the same year, if the child will have his or her 5th birthday on or before December 2 of that school year. Existing law requires a child to be admitted to the 1st grade of an elementary school during the first month of a school year if the child will have his or her 6th birthday on or before December 2 of that school year.

~~This bill would express the intent of the Legislature that the age at which a child is eligible for admission to kindergarten be increased.~~

*This bill would instead require that a child be admitted to kindergarten at the beginning of a school year, or at any time later in the same year, if the child will have his or her 5th birthday on or before December 2 of the school year for the 2008–09 school year and each previous school year, on or before November 1 for the 2009–10*

*school year, on or before October 1 for the 2010–11 school year, and on or before September 1 for the 2011–12 school year and each school year thereafter. The bill would also require that a child be admitted to first grade of an elementary school during the first month of a school year if the child will have his or her 6th birthday on or before those dates, or if, up to and including the 2011–12 school year, the child has completed a school year of kindergarten.*

*This bill would express the intent of the Legislature that any savings realized as a result of this change in age for admission to kindergarten be appropriated, as provided, to increase access to preschool programs for 4-year-old children, with priority given to at-risk children, and to compensate school districts for the loss in average daily attendance resulting from the change in the age for kindergarten admission and to provide school readiness programs for children who are 4 years old, and who, due to the changes made by this bill, no longer qualify for kindergarten admission.*

*(2) Existing law establishes the requirements for calculating average daily attendance for a school district and requires those calculations to be used to establish the revenue limit for that school district.*

*This bill would establish an additional calculation to be performed for school districts that experience a loss of average daily attendance due to the change in the age of admission for kindergarten that would result in those districts having increased units of average daily attendance being used in the calculation of the revenue limits for those districts during specified fiscal years based on the instructional levels offered by the districts.*

*The bill would require school districts that receive the increased funding and that offer kindergarten to use part of the funding to provide a school readiness program for displaced children that would have been eligible for admission to kindergarten prior to the changes made by this bill. The bill also would require instructors in the kindergarten readiness program hold specified credentials or permits from the Commission on Teacher Credentialing. The bill would require the State Department of Education to develop guidelines and regulations for the school readiness programs.*

*(3) Existing law establishes the parameters under which enrollment is calculated for purposes of the financial support of the public school system required by specified provisions of the California Constitution.*

*This bill would provide that pupils participating in specified school readiness programs generate average daily attendance for purposes of being included in the calculation of changes in enrollment pursuant to specified provisions of the California Constitution that are used to calculate the monies to be applied by the state for the support of school districts and community college districts pursuant to specified provisions of the California Constitution.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as  
2 the School Readiness Act of 2007.

3 SEC. 2. (a) The Legislature hereby finds and declares all of  
4 the following:

5 (1) By delaying the age at which children are permitted to  
6 enroll in kindergarten, California's children will be better  
7 prepared to enter into the academic environment that is required  
8 by the kindergarten curriculum.

9 ~~(2) Studies have shown that at-risk children benefit the most~~  
10 ~~from preschool programs.~~

11 ~~(3)~~

12 (2) The change described in paragraph (1) will result in a  
13 decrease in the number of pupils enrolled in kindergarten *over a*  
14 *three-year period* and that decreased enrollment will affect the  
15 class size in each subsequent grade level *through and including*  
16 *the 2023–24 school year. It is estimated that there will be a*  
17 *25-percent decrease in the enrollment of kindergarten classes*  
18 *over this three-year period that will affect the subsequent grade*  
19 *levels over the 15-year period.*

20 ~~(4)~~

21 (3) The decrease in enrollment described in paragraph (3) will  
22 necessarily decrease the number of units of average daily  
23 attendance that a school district may claim for the purpose of  
24 computing the amount of state revenue limit aid a school district  
25 may receive, thereby allowing the state to realize significant cost  
26 savings.

27 (b) It is further the intent of the Legislature that these cost  
28 savings be appropriated ~~partially~~ to compensate school districts

1 for loss in average daily attendance resulting from changing the  
2 age at which children are required to be admitted to kindergarten  
3 ~~and partially to provide preschool for children that are four years~~  
4 ~~old and who do not meet the minimum age requirement for~~  
5 ~~kindergarten admission, with priority given to at-risk children,~~  
6 *and to provide school readiness programs for children who are*  
7 *four years old, and who, due to the changes made by the School*  
8 *Readiness Act of 2007, no longer qualify for kindergarten*  
9 *admission.*

10 *(c) It is further the intent of the Legislature that teachers not*  
11 *be displaced by a school district as a result of the implementation*  
12 *of this legislation.*

13 *SEC. 3. Section 42238.5 of the Education Code is amended to*  
14 *read:*

15 42238.5. (a) For purposes of Section 42238, the fiscal year  
16 average daily attendance shall be computed pursuant to  
17 paragraph (1) ~~or~~, (2), *or 3, as applicable.*

18 (1) The second principal apportionment regular average daily  
19 attendance for either the current or prior fiscal year, whichever is  
20 greater. However, prior fiscal year average daily attendance shall  
21 be adjusted for any loss or gain of average daily attendance due  
22 to a reorganization or transfer of territory, ~~or, commencing in the~~  
23 ~~1993-94 fiscal year, and each fiscal year thereafter, for any~~  
24 ~~change in average daily attendance for pupils who are~~  
25 ~~concurrently enrolled in adult programs and classes pursuant to~~  
26 ~~Section 52616.17.~~

27 (2) Any school district that elects to receive funding pursuant  
28 to Article 4 (commencing with Section 42280) shall compute its  
29 units of average daily attendance for purposes of Section 42238  
30 by subtracting the amount determined in subparagraph (B) from  
31 the amount determined in subparagraph (A).

32 (A) The units of average daily attendance computed pursuant  
33 to paragraph (1).

34 (B) The units of average daily attendance resulting from pupils  
35 attending schools funded pursuant to Article 4 (commencing with  
36 Section 42280).

37 (3) *For a school district to which Section 42238.20 is*  
38 *applicable, add to the average daily attendance calculated for*  
39 *that school district in paragraph (1) or (2), the additional units*

1 of average daily attendance calculated pursuant to Section  
2 42238.20.

3 (b) For purposes of this article, regular average daily  
4 attendance shall be the base revenue limit average daily  
5 attendance, excluding summer school average daily attendance.

6 ~~(e) For purposes of this section, for the 1998–99 fiscal year~~  
7 ~~only, the prior year average daily attendance shall be the~~  
8 ~~1997–98 regular average daily attendance, excluding absences~~  
9 ~~excused pursuant to subdivision (b) of Section 46010, as that~~  
10 ~~subdivision read on July 1, 1996.~~

11 SEC. 4. Section 42238.20 is added to the Education Code, to  
12 read:

13 42238.20. In order to compensate school districts during the  
14 fiscal years from 2009–10 to 2023–24, inclusive, for the loss of  
15 average daily attendance resulting from changing the age at  
16 which children are required to be admitted to kindergarten  
17 pursuant to Section 48000, the number of units of average daily  
18 attendance computed for a school district pursuant to Section  
19 42238.5 shall be increased using the following calculations, as  
20 appropriate:

21 (a) Elementary school districts offering kindergarten and  
22 grades 1 to 6, inclusive, shall increase the number of units of  
23 average daily attendance generated by the classes of pupils who  
24 entered into kindergarten in each of the 2009–10, 2010–11, and  
25 2011–12 school years, for each of the fiscal years from 2009–10  
26 to 2017–18, inclusive, as follows:

27 (1) Determine the total number of units of average daily  
28 attendance generated from the current fiscal year by pupils  
29 enrolled in the classes of pupils who entered into kindergarten in  
30 the 2009–10, 2010–11, and 2011–12 school years.

31 (2) Multiply the number determined in paragraph (1) by  
32 0.0909 to calculate the additional number of units of average  
33 daily attendance for the school district.

34 (b) Elementary school districts offering kindergarten and  
35 grades 1 to 8, inclusive, shall increase the number of units of  
36 average daily attendance generated by the classes of pupils who  
37 entered into kindergarten in each of the 2009–10, 2010–11, and  
38 2011–12 school years, for each of the fiscal years from 2009–10  
39 to 2019–20, inclusive, as follows:

1     (1) Determine the total number of units of average daily  
2     attendance generated from the current fiscal year by pupils  
3     enrolled in the classes of pupils who entered into kindergarten in  
4     the 2009–10, 2010–11, and 2011–12 school years.

5     (2) Multiply the number determined in paragraph (1) by  
6     0.0909 to calculate the additional number of units of average  
7     daily attendance for the school district.

8     (c) School districts offering kindergarten and grades 1 to 12,  
9     inclusive, shall increase the number of units of average daily  
10    attendance generated by the classes of pupils who entered into  
11    kindergarten in each of the 2009–10, 2010–11, and 2011–12  
12    school years, for each of the fiscal years from 2009–10 to  
13    2023–24, inclusive, as follows:

14    (1) Determine the total number of units of average daily  
15    attendance generated from the current fiscal year by pupils  
16    enrolled in the classes of pupils who entered into kindergarten in  
17    the 2009–10, 2010–11, and 2011–12 school years.

18    (2) Multiply the number determined in paragraph (1) by  
19    0.0909 to calculate the additional number of units of average  
20    daily attendance for the school district.

21    (d) High school districts offering grades 7 to 12, inclusive,  
22    shall increase the number of units of average daily attendance  
23    generated by the classes of pupils who entered into kindergarten  
24    in each of the 2009–10, 2010–11, and 2011–12 school years, for  
25    each of the fiscal years from 2016–17 to 2023–24, inclusive, as  
26    follows:

27    (1) Determine the total number of units of average daily  
28    attendance generated from the current fiscal year by pupils  
29    enrolled in the classes of pupils who entered into kindergarten in  
30    the 2009–10, 2010–11, and 2011–12 school years.

31    (2) Multiply the number determined in paragraph (1) by  
32    0.0909 to calculate the additional number of units of average  
33    daily attendance for the school district.

34    (e) High school districts offering grades 9 to 12, inclusive,  
35    shall increase the number of units of average daily attendance  
36    generated by the classes of pupils who entered into kindergarten  
37    in each of the 2009–10, 2010–11, and 2011–12 school years, for  
38    each of the fiscal years from 2018–19 to 2023–24, inclusive, as  
39    follows:

1     *(1) Determine the total number of units of average daily*  
2     *attendance generated from the current fiscal year by pupils*  
3     *enrolled in the classes of pupils who entered into kindergarten in*  
4     *the 2009–10, 2010–11, and 2011–12 school years.*

5     *(2) Multiply the number determined in paragraph (1) by*  
6     *0.0909 to calculate the additional number of units of average*  
7     *daily attendance for the school district.*

8     *SEC. 5. Section 48000 of the Education Code is amended to*  
9     *read:*

10     48000. (a) ~~A~~*(1) Through the 2008–09 school year, a child*  
11     *shall be admitted to a kindergarten at the beginning of a school*  
12     *year, or at any later time in the same year if the child will have*  
13     *his or her fifth birthday on or before December 2 of that school*  
14     *year.*

15     *(2) A child who will have his or her fifth birthday on or before*  
16     *December 2 may be admitted to the prekindergarten summer*  
17     *program maintained by the school district for pupils who will be*  
18     *enrolling in kindergarten in September.*

19     *(b) For the 2009–10 school year, a child shall be admitted to*  
20     *a kindergarten at the beginning of a school year, or at any later*  
21     *time in the same year, if the child will have his or her fifth*  
22     *birthday on or before November 1 of that school year.*

23     *(c) For the 2010–11 school year, a child shall be admitted to a*  
24     *kindergarten at the beginning of a school year, or at any later*  
25     *time in the same year, if the child will have his or her fifth*  
26     *birthday on or before October 1 of that school year.*

27     *(d) For the 2011–12 school year, and each school year*  
28     *thereafter, a child shall be admitted to a kindergarten at the*  
29     *beginning of the school year, or at any later time in the same*  
30     *year, if the child will have his or her fifth birthday on or before*  
31     *September 1 of that school year.*

32     ~~(b)~~

33     *(e) The governing board of any school district maintaining one*  
34     *or more kindergartens may, on a case-by-case basis, admit to a*  
35     *kindergarten a child having attained the age of five years at any*  
36     *time during the school year with the approval of the parent or*  
37     *legal guardian, subject to the following conditions:*

38     *(1) The governing board determines that the admittance is in*  
39     *the best interests of the child.*

(2) The parent or *legal* guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

SEC. 6. *Section 48010 of the Education Code is amended to read:*

48010. *A(a) Through the 2008–09 school year, a child shall be admitted to the first grade of an elementary school during the first month of a school year if the child will have his or her sixth birthday on or before December 2nd 2 of that school year. For good cause, the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term.*

*(b) For the 2009–10 school year, a child shall be admitted to the first grade of an elementary school during the first month of a school year if the child will have his or her sixth birthday on or before November 1 of that school year.*

*(c) For the 2010–11 school year a child shall be admitted to the first grade of an elementary school during the first month of a school year if the child will have his or her sixth birthday on or before October 1 of that school year.*

*(d) For the 2011–12 school year, and each school year thereafter, a child shall be admitted to the first grade of an elementary school during the first month of a school year if the child will have his or her sixth birthday on or before September 1 of that school year.*

*(e) For good cause, the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term.*

*(f) Notwithstanding subdivisions (a) to (c), inclusive, a child shall not be prevented from enrolling in the first grade of an elementary school during the first month of a school year up to and including the 2011–12 school year based solely on his or her birthday if he or she has completed a school year of kindergarten.*

SEC. 7. *Section 48012 is added to the Education Code, to read:*

48012. *(a) A school district receiving increased funds as a result of the calculations performed in Section 42238.20 that offers kindergarten shall use a portion of these funds to provide a school readiness program for displaced children that would*



1 have been eligible for admission to kindergarten prior to the  
2 amendment of Section 48000 by Senate Bill 1764 of the 2005–06  
3 Regular Session.

4 (b) For purposes of this section, a “displaced child” means:

5 (1) For the 2009–10 school year, a child who will have his or  
6 her fifth birthday no earlier than November 2 and no later than  
7 December 2 of that school year.

8 (2) For the 2010–11 school year, a child who will have his or  
9 her fifth birthday no earlier than October 2 and no later than  
10 December 2 of that school year.

11 (3) For the 2011–12 school year and each school year  
12 thereafter, a child who will have his or her fifth birthday no  
13 earlier than September 2 and no later than December 2 of that  
14 school year.

15 (c) (1) An instructor participating in a school readiness  
16 program pursuant to this section shall hold a credential or  
17 permit from the Commission on Teacher Credentialing that  
18 authorizes service in kindergarten or child care and development  
19 programs, pursuant to Division 8 of Title 5 of the California  
20 Code of Regulations.

21 (2) The department shall develop additional guidelines and  
22 regulations for school readiness programs required pursuant to  
23 subdivision (a).

24 (3) A school district that provides a school readiness program  
25 pursuant to subdivision (a) shall retain oversight of the program.

26 (d) Pupils enrolled in a school readiness program under this  
27 section shall generate average daily attendance for purposes of  
28 being included in the calculation of changes in enrollment  
29 pursuant to subdivision (f) of Section 8 of Article XVI of the  
30 California Constitution that are used to calculate the monies to  
31 be applied by the state for the support of school districts and  
32 community college districts pursuant to paragraph (2) or (3) of  
33 subdivision (b) of Section 8 of Article XVI of the California  
34 Constitution.